

Members

Sen. David Ford, Chairperson
Sen. Richard Bray
Sen. Anita Bowser
Sen. Billie Breaux
Rep. Michael Dvorak
Rep. Vanessa Summers
Rep. Cleo Duncan
Rep. Brent Steele
Karon Perkins
Bruce Pennamp
Cynthia Ayres
Carol Bramham



INDIANA CHILD CUSTODY AND SUPPORT ADVISORY COMMITTEE

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Authority: IC 33-2.1-10-1

MEETING MINUTES¹

Meeting Date: October 24, 2001
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington
St., 125
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Sen. David Ford, Chairperson; Sen. Richard Bray; Sen. Anita Bowser; Sen. Billie Breaux; Rep. Vanessa Summers; Rep. Cleo Duncan; Karon Perkins; Bruce Pennamp; Carol Bramham.

Members Absent: Rep. Michael Dvorak; Rep. Brent Steele; Cynthia Ayres.

Call to Order

Sen. Ford called the meeting to order at 10:05 a.m. Sen. Ford asked that information be presented on preliminary draft 3466.

Preliminary Draft 3466

Andrew Roesener, staff attorney for the committee, gave a general description of the provisions of the preliminary draft.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

It was explained that the draft contains three notice provisions. The first provision addresses notice sent by the Bureau of Motor Vehicles to a delinquent child support obligor. The draft removes the requirement of a warning letter being sent to a delinquent child support obligor before a notice of suspension. The second notice provision allows a IV-D agency to include in an income withholding notice sent to a child support obligor's employer a requirement that an amount be withheld for basic health insurance for a child. The final notice provision requires the employer of a non-custodial parent to be notified of an order to pay for a child's health coverage via the National Medical Support Notice (NMSN).

It was explained the draft also contains provisions which require the child support bureau to enforce interstate and intrastate support orders using automated enforcement features, and to use a simplified procedure for the review and adjustment of support orders. Another provision of the bill requires an Indiana business or unit of state and local government to comply with a subpoena from a IV-D agency in another jurisdiction. The draft also requires an applicant for a marriage, hunting, fishing, or trapping license to provide a Social Security number on the application. The other requirement of the draft is to mandate that basic health and hospitalization insurance be provided for a child when a support action initiated by a IV-D agency includes a request for coverage.

Sen. Ford stated that no vote would be taken on the draft by the committee.

Sen. Bray asked if there is a requirement that Social Security numbers be provided on license applications. Mr. Roesener indicated that 42 U.S.C. 666 requires Social Security numbers on applications for recreational licenses.

Public Testimony

Jeff Bercovitz, Director of Juvenile and Family Law at the Indiana Judicial Center, spoke about ways to improve the efficacy of child support collections. The first suggestion was for the Family and Social Services Agency to publicize the \$25 fee required for a IV-D agency to provide assistance in support matters. Mr. Bercovitz also suggested that courts be given notice of income withholding orders implemented administratively by a IV-D agency. He noted the existence of these orders should be included in the court's chronological case summary. Finally, Mr. Bercovitz addressed an issue raised by the committee at the last meeting. The previous discussion centered on alternatives to a custodial parent initiating a support modification. One suggestion was that a IV-D agency could petition the court. Mr. Bercovitz indicated this approach could present problems because the custodial parent would not be notified of the modification proceeding.

Sen. Ford responded that support is for the child and not the custodial parent, so the best interests of the child should be given priority over notice to the custodial parent.

Mr. Bercovitz indicated that the concerns were based upon due process considerations and not giving a custodial parent priority over the child.

Sen. Ford and Mr. Bercovitz agreed that one solution to this problem is to ensure the custodial parent receives notice if a IV-D agency initiates a modification proceeding.

Rep. Summers stated that the committee should recommend in its final report that when a IV-D agency administratively implements an income withholding order it must give notice to the court in which the support matter is located.

Sen. Ford asked Patty Perkins, Assistant Director of the Child Support Bureau, why

preliminary draft 3466 did not contain a provision that required a person receiving child support to have a bank account for direct deposit.

Mrs. Perkins said that the bureau has the capability to directly deposit child support payments, but the lack of manpower at the agency would make it very difficult to implement.

Mr. Bercovitz asked Mrs. Perkins if the Indiana Support Enforcement Tracking System (ISETS) was incapable of support abatement as required by the Indiana parenting time guidelines.

Mrs. Perkins stated that support is being abated as required, but that intervention into ISETS is required to accomplish this task.

Final Report

Sen. Ford asked if there were questions about the final report. No questions were asked by committee members. Sen. Ford asked Rep. Summers if she wanted her previous statement about administrative income withholding orders to be included as a comment or recommendation in the final report. Rep. Summers stated she wanted it included as a recommendation.

The committee voted 9-0 in favor of adopting the final report.

Adjournment

Sen. Ford adjourned the meeting at 10:55 a.m.